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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,795	07/11/2001	Stanley C. Johnson	7060-3	1478

7590 08/21/2002

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1030 S.W. Morrison Street
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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

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DATE MAILED: 08/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-5

Office Action Summary

Application No.

09/903,795

Applicant(s)

JOHNSON, STANLEY C.

Examiner

Jane J Rhee

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 9-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2,4-8 are rejected under 35 U.S.C. 102(b) as being unpatentable by Carter (3629033).

Carter discloses a wood product comprising a composite substrate having an exterior layer that presents a first exterior surface (figure 9 number 13), a core defining the interior of the substrate, the cored being exposed on a second exterior surface of the substrate (figure 2 number 11), and treated paper substantially covering and affixed to at least a portion of the second exterior surface (figure 2 number 13). Carter discloses that the substrate comprises laminated veneer lumber and wherein the first surface comprise a surface on an outer veneer of the substrate and the second surface comprises edges of veneer layers in the laminated veneer lumber (col.1 lines 40-42). Carter discloses that the substrate is elongate and wherein the paper covers the side edge of the substrate (figure2 number 13). Carter discloses that paper covers both a portion of the first exterior surface and the side edge (figure 2 number 13). Carter discloses that the substrate has a substantially rectangular cross section and where the paper covers three sides of it (figure 2 col. 1 lines 40-61). Carter discloses that the paper covers substantially all of the substrate (figure 2 number 13). Carter discloses

that the substrate covers a portion of the fourth side thereof (figure 2 number 13 and col. 1 lines 40-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of Podosek (6364236).

Carter discloses the wood product described above. Carter discloses that the substrate comprises a chipboard and wherein the first surface comprises a top surface of the chipboard and the second surface comprises an edge of the chipboard (col. 4 line 14). Carter fails to disclose that the substrate comprises a fiberboard and wherein the first surface comprises a top surface of the fiberboard and the second surface comprises an edge of the fiberboard. Podosek teaches that the substrate comprises a fiberboard and wherein the first surface comprises a top surface of the fiberboard and the second surface comprises an edge of the fiberboard (col. 4 line 40) for the purpose to form the front cover, spine and rear cover of a binder (col. 4 lines 43-44).

It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have used a fiberboard in place of the chipboard

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disclosed in Carter since Podosek teaches the equivalence of the chipboard and fiberboard in book covers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
August 20, 2002

ALEXANDER S. THOMAS
PRIMARY EXAMINER